

Serial No. 10/812,701

REMARKS

The aforementioned deletions and insertions to the Title Page, Abstract, and the Specification are believed to be in compliance with CFR 1.121. In order to clearly set forth the amended portions of the specification, applicants have enclosed a copy with corrective markings. Please insert the entire rewritten text as it is presented, without corrective markings, in the accompanying replacement copy of the Specification.

The applicants have amended certain descriptions in the Specification with the objective of presenting a full, clear and complete description of the cultivar in order to comply with 37 CFR 1.163 and 35 U.S.C. 112 and to overcome the objections listed in the Office Action dated 09/01/2004.

Specifically:

In response to the objections set forth in paragraph A of the Office Action, the Specification has been amended to clarify the general tonality of open flower, as it is stated in the chart on page 5, as well as in the detailed description of the variety on page 10.

In response to the objections set forth in paragraph B of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the diameter of the pedicel and petiole of the claimed plant.

In response to the objections set forth in paragraph C of the Office Action, the Specification has been amended to correct the color reference describing coloration of the petaloids.

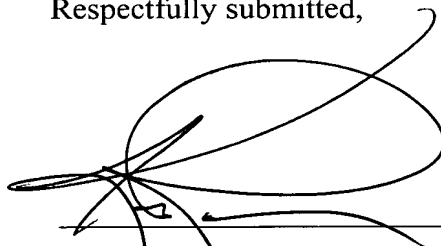
In response to the objections set forth in paragraph D of the Office Action, the Specification has been amended to set forth the average length of styles.

In response to the objections set forth in paragraph E of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to coloration of mature and juvenile thorns.

For all the reasons listed above, the applicants respectfully submit that the errors in the Specification are corrected, and that the claims comply with Section 112. The application is believed to be in condition for allowance, and notice thereof is respectfully requested.

Applicants have enclosed a statement under 37 CFR 3.73(b), which establishes evidence that the undersigned is authorized to act on behalf of the assignee, Poulsen Roser A/S.

Respectfully submitted,



Ken Rynearson
Poulsen Roser Pacific, Inc.

Correspondence with:

Poulsen Roser Pacific, Inc.
620 S. Front Street
Central Point, Oregon 97502
U.S.A.

TEL: 541-245-8050
FAX: 541-665-2252

MARKED UP COPY 10/812, Tol

UNITED STATES PLANT PATENT APPLICATION

of

L. PERNILLE AND MOGENS N. OLESEN

for

ROSE PLANT NAMED

'POULcs010'



ROSE PLANT NAMED

'POULcs010'

ABSTRACT OF THE DISCLOSURE

A new garden rose plant of the compact floribunda class which has abundant, orange red flowers and attractive foliage. This new and distinct variety has shown to be uniform and stable in the resulting generations from asexual propagation.

SUMMARY OF THE INVENTION

BOTANICAL CLASSIFICATION

Rosa hybrida

VARIETY DENOMINATION

5

'POULcs010'

The present invention constitutes a new and distinct variety of garden rose plant which originated from a controlled crossing between the female seed parent, an unnamed seedling, and the male parent plant named 'DELTOGO', non-patented. The two parents were crossed during the summer of 1992 and the resulting seeds were planted in a controlled environment in Fredensborg, Denmark. The new variety is named 'POULcs010'.

15 The new variety may be distinguished from its unnamed seed parent by the following combination of characteristics:

1. The seed parent has salmon pink flowers while 'POULcs010' has a orange red flower color.
2. The seed parent is a more upright in growth habit while 'POULcs010' is low growing, compact floribunda.

25 The new variety may be distinguished from its pollen parent, 'DELTOGO' by the following combination of

characteristics:

1. The pollen parent has an apricot blend flower color while flowers of 'POULcs010' are orange red.
- 5 2. 'POULcs010' is more compact than the pollen parent.

The objective of the hybridization of this rose variety was to create a new and distinct variety for garden use with unique qualities, such as:

- 10 1. Uniform and abundant orange red flowers;
2. Vigorous, but compact growth when propagated both as a budded rose and on its own roots;
3. Disease resistance;
4. Attractive, dark colored foliage.

15 This combination of qualities is not present in previously available commercial cultivars of this type, known to the inventors, and distinguish 'POULcs010' from all other varieties of which we are aware.

 As part of their rose development program, L. Pernille Olesen and Mogens N. Olesen germinated the seeds
20 from the aforementioned hybridization during winter 1992-1993 and conducted evaluations on the resulting seedlings in a controlled environment in Fredensborg, Denmark.

 'POULcs010' was selected in the spring 1993 by the
25 inventors as a single plant from the progeny of the

aforementioned hybridization.

Asexual reproduction of 'POULcs010' by traditional budding and rooted cuttings was first done by L. Pernille and Mogens N. Olesen in their nursery in Fredensborg, Denmark in June 1993. This initial and other subsequent asexual propagations conducted in controlled environments have demonstrated that the characteristics of 'POULcs010' are true to type and are transmitted from one generation to the next.

BRIEF DESCRIPTION OF THE DRAWING

The accompanying color illustration shows as true as is reasonably possible to obtain in color photographs of this type, the typical characteristics of the buds, flowers, leaves, and stems, of 'POULcs010'. Specifically illustrated in SHEET 1:

Fig 1.1; Open flower, stem showing cluster of open flowers, branching, and the attachment of and peduncles;

Fig 1.2; Flower bud closed, flower bud as sepals unfold, and partially open;

Fig 1.3; Flower petals, detached;

Specifically illustrated in SHEET 2:

Fig 2.1; Sepals, receptacle, and peduncle;

Fig 2.2; Juvenile leaves;

Fig 2.3; Mature leaf;

Fig 2.4; Bare stems exhibiting thorns.

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DETAILED DESCRIPTION OF THE VARIETY

The following is a description of 'POULcs010', as observed in its growth in a field nursery in Jackson County, Oregon. Observed plants are 2 years of age and were budded on to *Rosa multiflora* rootstock. Color references are made using the Royal Horticultural Society (London, England) Colour Chart, 1995, except where common terms of color are used.

For a comparison, several physical characteristics of the rose variety 'POULac006', a rose variety from the same inventors described and illustrated in U.S. Plant Patent Application No. 10/342,702 dated January 14, 2003 are compared to 'POULcs010' in Chart 1.

CHART 1

20

	'POULcs010'	'POULac006'
General Tonality	Red Group 43A. <u>To 43 B.</u>	Red Group 40A.
Petal Count	30 to 35.	35 to 40.
Bloom Diameter	50 to 55 mm.	60 mm.

25

FLOWER AND FLOWER BUD

- Blooming habit: Continuous.
- Flower bud:
- 5 Size: Upon opening, 25 mm in length
from base of receptacle to end
of bud. Diameter is 10 mm on
average.
- Bud form: Pointed ovoid.
- 10 Bud color: As sepals unfold, petals are
~~Red-Purple Group 58B with~~ RED 41A
~~intimations of Red-Purple Group~~
WITH INTONATIONS OF ~~61D.~~ RED 46 B
- Sepals:
- 15 Upper Surface:
- Color: Green Group 138B to 138A.
- Surface: Moderately pubescent.
- Lower Surface:
- Color: Yellow-Green Group 144A.
- 20 Anthocyanin: Greyed-Purple Group
183B.
- Shape: Sepal apex is cirrhose. Base is
flat at union with receptacle.
Margins have strong to medium
- 25 foliaceous appendages on three

of the five sepals.

Size: 22 mm (l) x 7mm (w).

Receptacle:

Surface Texture:

5 Smooth and lightly glaucous.

Shape: Pear to urn-shaped.

Size: 8 mm (h) x 5 to 6 mm (w).

Color: Yellow-Green Group 144A.

10 Anthocyanic pigments the color
of Greyed-Purple Group 183A
observed.

PEDICEL ~~-Peduncle-~~

Surface: Smooth. Stipitate glands are
sparse.

15 Length: 35 to 40 mm average.

DIAMETER 2.5 mm

Color: Yellow-Green Group 144B.

Anthocyanic pigments the color
of Greyed-Purple Group 183A
observed.

20 Strength: Somewhat strong.

Borne: Multiples of 5 buds per flowering stem.

Flower bloom:

Fragrance: Light rose scent.

25 Duration: The blooms have a duration on the
plant of approximately 7 to 10 days.

Outermost petals:

Outer side: ~~White Group 155C with~~
~~Yellow Group 4B spot at~~
~~the point of attachment.~~

Inner Side: ~~Vertical streaks of White~~
~~Group 155C with Yellow~~
~~Group 4A spot at the point~~
~~of attachment.~~

Innermost petals:

Outer side: ~~White Group 155C with~~
~~Yellow Group 4B spot at~~
~~the point of attachment.~~

Inner Side: ~~Vertical streaks of White~~
~~Group 155C with Yellow~~
~~Group 4A spot at the point~~
~~of attachment.~~

After opening, petals:

Outermost petals:

Outer side: ~~Red Purple Group 58B.~~

Inner Side: ~~Red Group 52A.~~

Innermost petals:

Outer side: ~~Red Purple Group 58B.~~

Inner Side: ~~Red Group 52A.~~

After opening, basal petal spots:

Outermost petals:

- Outer Side: ~~White Group 155C with~~
~~Yellow Group 4B spot at~~
~~the point of attachment.~~
- 5 Inner Side: ~~Vertical streaks of White~~
~~Group 155C with Yellow~~
~~Group 4A spot at the~~
~~point of attachment.~~

Innermost petals:

- 10 Outer Side: ~~White Group 155C with~~
~~Yellow Group 4B spot at~~
~~the point of attachment.~~
- Inner Side: ~~Vertical streaks of White~~
~~Group 155C with Yellow~~
15 ~~Group 4A spot at the~~
~~point of attachment.~~

General Tonality: On open flower Red Group ~~52A~~ ^{43 A to 43 B}. Color
does not change as the flower
20 matures.

Petals:

- Petal Reflex: None.
- Margin: Entire and somewhat undulate.
- 25 Shape: Apex: Round with occasional cleft.

Base: Acute.

Size: 30 mm (l) x 30 mm (w).

Thickness: Thin.

Arrangement: Not Formal.

5 Petaloids:

Quantity: 5 to 8 in number.

✓ Color: upper surface: RED 40A ~~Red Purple Group 62A.~~

Lower surface: RED 43C ~~Red Purple Group 58B.~~

Size: 25 mm (l) x 12 mm (w).

10

Reproductive Organs:

Pistils:

Length: 4 mm long.

Quantity: 32 actual count.

15 Pollen:

None observed.

Anthers:

Size: 2 mm long.

Color: Greyed-Orange Group 167A..

20 Quantity: 65 actual count.

Filaments:

Color: Yellow Group 9A to 9C.

Length: 6 to 7 mm.

Stigmas: Inferior relative to the filament length

25 and height of the anthers.

Color: Greyed-Yellow Group 160C.

Styles:

LENGTH: 7 mm.

Color: White Group 155A.

Other Intonations: None.

5 Hips: None Observed in the field nursery in Jackson County Oregon.

PLANT

10 Plant growth: Moderate, upright to bushy. When grown as a budded field grown plant on Rosa multiflora understock, the average height of the plant is 60 to 100 cm and the average width is 100 cm.

15 Stems:

Color:

Young wood: Yellow-Green Group 144A.

Older wood: Yellow-Green Group 144C.

Surface Texture:

20 Young wood: Smooth.

Older wood: Smooth.

Thorns:

Incidence: 14 thorns per 10 cm of stem.

Size: Average length: 5 mm.

25 JUVENILE Color: Greyed-Purple Group 184A.

NATURE COLOR:

GREYED ORANGE 176 A.

Shape: Concave.

Plant foliage: Normal number of leaflets on normal
leaves in middle of the stem: 7
5 leaflets.

Compound Leaf size: 80 mm in length by 50 mm wide.

Quantity: Average.

Color:

Mature Foliage:

10 Upper Leaf Surface: Green Group 137A to
Yellow-Green Group
146A.

Lower Leaf Surface: Yellow-Green Group
146B.

15 Juvenile foliage:

Upper Leaf Surface: Greyed-Purple Group
183A.

Lower Leaf Surface: Greyed-Purple Group
185A.

20 Anthocyanin:

Location: Upper and lower
surfaces of juvenile
leaflets.

Plant leaves and leaflets:

25 Stipules:

	Size:	20 mm in length.
	Quantity:	2 per compound leaf.
	Shape:	Linear with outward extending apices.
5	Color:	Yellow-Green Group 144B.
	Margins:	Few stipitate glands.
	Anthocyanin:	None.
	Petiole:	
10	Length:	30 mm.
	<u>DIAMETER:</u>	<u>2 mm.</u>
	Color:	Yellow-Green Group 144B.
	Underneath:	Thorns.
	Anthocyanin:	Light intonations of
15		Greyed-Red Group 181C observed on upper surface.
	Rachis:	
	Length:	35 mm.
20	Color:	Yellow-Green Group 144B.
	Underneath:	Thorns.
	Anthocyanin:	Light intonations of
25		Greyed-Red Group 181C observed on upper

surface.

Leaflet:

- | | | |
|----|--|--|
| | Leaflet Size: | 28mm in length by
20mm wide. |
| 5 | Edge: | Serrated. |
| | Shape: | Generally ovate.
Leaflet apices
are cuspidate.
Base is rounded. |
| 10 | Texture: | Thick. |
| | Arrangement: | Odd pinnate. |
| | Venation: | Reticulate. |
| | Glossiness: | Glossy. |
| 15 | Disease resistance:

Above average resistance to mildew, rust, black spot, and
<u>Botrytis</u> under normal growing conditions in Jackson
County, Oregon. | |
| 20 | Cold Hardiness:

The variety 'POULcs010' has been found to be cold tolerant
to USDA Cold Hardiness Zone 6. | |

CLAIM

5 A new and distinct variety of rose plant of the
floribunda rose class, substantially as herein illustrated
and described as a distinct and novel rose variety due to
its abundant orange red flowers, disease resistance, and
extended period of bloom.